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Pharmaceuticals

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**FAX**

To: MAIL STOP PCT - US PATENT AND TRADEMARK OFFICE

Fax: (571) 273-8300

Number of Pages: 10 (including this cover)

Date: 15 January 2007

From: William F. Gray

Fax: (203) 812-6459

Phone: (203) 812-2712

E-mail: william.gray.b@bayer.com

Re: **US Application Serial No.: 10/551,882**

**Filing Date: 09/30/2005**

**Title: Improved Penetration of Active Substances into Cells and Organs**

**Attorney Docket No.: LeA 36 379**

**Message:**

Attached are the following documents in connection with prosecution of this application:

- ☒ Response to Notification of Missing Requirements Under 35 U.S.C. 371
- ☒ Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States  
Designated/Elected Office (DO/EO/US)
- ☒ Declaration of the inventors

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT YOU ARE HEREBY NOTIFIED THAT THE PRIVILEGED OR CONFIDENTIAL NATURE OF THIS MESSAGE IS NOT WAIVED BY INADVERTENT DISCLOSURE. ANY DISSEMINATION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL TO 400 MORGAN LANE, WEST HAVEN CONNECTICUT 06516. THANK YOU.

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Attorney Docket No. LeA 36 379

JAN 15 2007

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

National Stage in the U.S. of

International Application No.: PCT/EP04/03155

International Filing Date: 03/25/2004

U.S. Application No.: 10/551,882

First Named Inventor: Harder, Achim

Title: Improved Penetration of Active Substances Into Cells and Organs

**CERTIFICATION OF TRANSMISSION UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any papers referred to in this certificate as being attached, are being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

Date: 15 January 2007

  
William F. Gray

**Mail Stop Missing Requirements**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. 371**

This replies to the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed to applicants on 12/15/2006. A copy of Form PCT/DO/EO/905 is enclosed.

**DECLARATION OR OATH**

No declaration or oath was filed. Enclosed is the original declaration or oath for this application (35 U.S.C. 371 (c)(4)).

**COMPLETION FEES**

Surcharge fee for late filing of original declaration or oath (37 C.F.R. 1.492(e))  
\$130.00.

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**EXTENSION OF TIME**

**JAN 15 2007**

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. 1.136(a) apply. Applicant petitions for an extension of time, the other than small entity fee for which is set out in 37 C.F.R. 1.17(a)(4), for two (0) months.

**Extension Fee** \$ N/A

If an additional extension of time is required, please consider this a petition therefor.

**TOTAL FEE DUE**

|                      |                  |
|----------------------|------------------|
| Completion fees      | \$130.00         |
| Extension fees       | \$ <u>N/A</u>    |
| <b>Total Fee Due</b> | <b>\$ 130.00</b> |

**METHOD OF PAYMENT**


The Commissioner is hereby authorized to charge Deposit Account No. **13-3372** in the amount of **\$130.00** for the matters indicated above. The Commissioner is also authorized to charge any additional fees, any underpayment of fees, and credit any overpayment to the above deposit account. A duplicate of this request is attached.

Respectfully submitted,

Date: 15 January 2007

Registration No.: 31018

Phone: (203) 812-2712

  
\_\_\_\_\_  
**William F. Gray**  
Attorney for Applicant(s)  
Bayer Pharmaceuticals Corporation  
400 Morgan Lane  
West Haven, CT 06516-4175

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Attorney Docket No. LeA 36 379

**DUPLICATE**

**JAN 15 2007**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

National Stage in the U.S. of

International Application No.: PCT/EP04/03155

International Filing Date: 03/25/2004

U.S. Application No.: 10/551,882

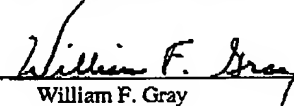
First Named Inventor: Harder, Achim

Title: Improved Penetration of Active Substances Into Cells and Organs

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William F. Gray

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JAN 15 2007

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**TOTAL FEE DUE**

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Date: 15 January 2007

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Phone: (203) 812-2712

  
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**William F. Gray**  
Attorney for Applicant(s)  
Bayer Pharmaceuticals Corporation  
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West Haven, CT 06516-4175

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Page 1 of 2



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

|                             |                       |                    |
|-----------------------------|-----------------------|--------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO.   |
| 10/551,882                  | Achim Harder          | Le A-99-379 36 379 |

|                               |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/EP04/03155

|                  |               |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
| 03/25/2004       | 04/02/2003    |

35969  
 JEFFREY M. GREENMAN  
 BAYER PHARMACEUTICALS CORPORATION  
 400 MORGAN LANE  
 WEST HAVEN, CT 06516

CONFIRMATION NO. 6821

371 FORMALITIES LETTER



\*OC000000021617283\*

Date Mailed: 12/15/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/30/2005
- English Translation of the IA filed on 09/30/2005
- Copy of the International Search Report filed on 09/30/2005
- Information Disclosure Statements filed on 09/30/2005
- Request for Immediate Examination filed on 09/30/2005
- U.S. Basic National Fees filed on 09/30/2005
- Priority Documents filed on 09/30/2005
- Specification filed on 09/30/2005
- Claims filed on 09/30/2005
- Abstracts filed on 09/30/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

TAMALA D HOLLAND

Telephone: (703) 308-9140 EXT 209

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/551,882                  | PCT/EP04/03155                | Le A 33 379      |

FORM PCT/DO/EO/905 (371 Formalities Notice)